

A
LETTER
FROM A
FREEHOLDER in the Country
TO A
MEMBER of PARLIAMENT
CONCERNING
FRANKING of LETTERS, &c.



May 22. 1738

S I R,

THOUGH I believe no People enjoy the Benefit of a speedy, safe, and cheap Conveyance of Letters, more than his Majesty's Subjects in this Kingdom; yet we in this remote and retired Neighbourhood are extremely obliged to your Honour for making it still greater, not only by sending us the News every Post from *London*, but also by having them sent *franked* under your Cover. As *Franking* is a Privilege peculiar, or chiefly belonging, as I take it, to Members of Parliament: The Design seems to be (so far as concerns the Members of the House of Commons) that the People and their Representatives might have a frequent and easy Correspondence with one another. And as the Post *must* go out on certain Days, this great Privilege and Ease to the People can be no great Trouble to the Post-master, (the carrying some *more* Letters than probably would otherwise be sent) nor should it be reckoned any Detriment to the Revenue upon the main, when kept within due Bounds, being so beneficial to the Nobility, Gentry, and the whole Body of the People. But this great Advantage to the People should be no Privilege or Encouragement to *false* Franks, which ought to be discouraged as much as possible: yet how to do it effectually is no small Difficulty, when we consider how hard it is to discover every Counterfeit, especially since (as I have been credibly informed) our Great Folks contribute not a little towards it. For though I find it *Resolved*, That "to counterfeit a Member's Hand, or even to *set* his hand to a Letter, is a Breach of Privilege;" by the *former*, I presume, is meant what may be called direct and plain forging, when a Member's Hand is set without his Knowledge and Consent; and by the *latter*, when, though

he knew and approved of its being done, and it may be said to be by *his Order*, it was not really and truly franked, or superscribed by himself, but by another. Yet how many (how many hundreds shall I say?) are franked by the Secretaries, Valets de Chamber, and other Retainers of divers of our Quality and Bishops, as well as others? Nor does it alter the Case, whether it be by their Master's *Order*, or no: For when such a Power, Liberty, or Privilege, is granted or deputed (limited or unlimited) how shall any Post-master know the Difference? And I have good Reason to believe that some of these, as well as Clerks and others, in the Post and other Offices, not only frank Letters, sent to their Friends and Acquaintances, but make a *Profit* of franking; *selling* them, as I may call it, for so much *per Quire*, or *Quarter*; and all this with so much Impunity and Connivance, if not Allowance, that 'tis not unlikely but sometimes one sixth or seventh Part of all Inland Letters are franked, or carried Post-free, one way or other; that is, either by the real authentic Hands of Officers of State, or Members, or such as assume (by Allowance, or otherwise) a Liberty to set their Hands.

I have often wished that such Abuses were remedied, and was glad to find by the late *Votes*, that several Letters were stopt at the Post-office, on Suspicion of having counterfeited Franks on their Covers; and which we must believe were counterfeited, when divers Members denied that the Names written on them were genuine: though, by the by, I cannot imagine what sort of Answers can be given by such as ever allowed their Secretaries, or others, to use such Liberties. I expected great and many Discoveries would have been made, when I read that one from the Post-office attended, with suspicious Letters put alphabetically in Boxes; but was surprized when I found but about seven or eight actually called in question among the *Commons*, and not *one* among the *Lords*, whose Hands, I fancy, are counterfeited, or set, as often as any others, though a Lord has not that Dependence on, or Correspondence with, so many People as the elected Commoners have, from whom *News* and *Franks* are expected in the several Places they represent, by their Friends and Well-wishers, who had been great Instruments of their being returned Members: For though I have heard it said, 'twas beneath the Dignity of a P. of G. B. to be at the trouble of writing, and (in some Measure) exposing his Title to save Three Pence or a Groat; yet one can scarcely imagine the Number of Letters that, under their Names, are excused from Postage. I presume, the Commons, by making Examples of so *few*, either had not Time enough to enquire into *all*, or only made choice of a *select* Number, to be a sufficient Warning to others. I find two or three Lawyers in the Number, together with a Jeweller and a Parson, and a few more, some of whom had different Success, however equally they have been concerned. The Jeweller, and Gentlemen of the Law, upon their being examined before the House, confessed immediately that they were *Guilty*, in having counterfeited the Hands of several Members; for which they were very justly committed to Gaol, or taken into Custody. One who had been (by order) sent for almost an hundred Miles off, (I forbear naming Names, and who, if we may believe Fame, had a very great Number of Franks in his Possession) having by himself and Friends solicited

solicited divers of the House, got his Examination put off for a Month, that is, in a Parliamentary Dialect, entirely dismiss. Another Person confessed he wrote his Letter on a franked Paper, given him by one whose Name, or Place of Abode, he knew not: A thing very unlikely (being only within the Bounds of Possibility) that a Person who had a *Frank* should give it to one whom he knew not; or, that one should have so little Sense as to write a Letter on a Piece of Paper, franked by he knew not who, and delivered to him by one he had never seen before. Now, though this carries a very ill Aspect, and any Magistrate would commit, or bind over, a Person, who (being brought before him for a Crime) could give no better Account of himself; yet, it seems, somebody saying, that that Person bore a good Character, he was immediately discharged from further Attendance.

However, the Parson did not come off at such a Rate, though his Age, Office, Standing and Degree in the Church and University, we Country Folks would think, should have pleaded as much in his Behalf; especially when his Answer, upon Examination, was different from all the rest. I am at a loss why the *Votes* are so deficient in this Affair: For, whereas the Answers of all the others who were brought before the House on the like Account are set down very *plainly* and *expressly*; yet there is not a single Syllable in them of what the Clergyman said; but immediately after mention is made of his being *Examined*, and *He directed to withdraw*, it immediately follows, *That he having counterfeited a Member's Hand, should be taken into Custody of the Sergeant at Arms attending the House*. From whence we in the Country concluded, that the Parson (like the rest who were under the same Suspicion) had confessed the Forgery, which they who are concerned in writing and publishing the *Votes*, in Respect and Deference to the Cloth, or for some other Reason, had omitted to insert. But an elderly Gentleman, who meets at our Club when we read the News, was of another Mind: wherein we were all thereafter confirmed, when in a few Days we saw his *Petition* to the House, and heard his *real Answer*, and the whole Affair, both by Letters from *London*, and from a Gentleman who had heard and knew all that had passed in this Matter.

We are told, that the Parson was so far from owning that he had *counterfeited* the Member's Hand, that he told the House the Name, Sur-name and Business of the Person from whom he had the *Franks*, together with the Time when, Place where, and the way how, he became acquainted with him: But as that Gentleman was not *then* ready to be produced, it seems the Clergyman was not believed, and his Answer went for nothing; and he being deemed to have *counterfeited* the Frank, was ordered to be taken into Custody, as aforesaid, till, upon his Petition, the House was pleased to set him at Liberty; when the Speaker shewed himself a very modest, civil, and most accomplished Gentleman.

All the others having confessed themselves *guilty*, used *that* among divers other submissive Reasons, (such as owning that they *deserved* a more *rigorous Punishment*) as an inducing Argument in their Petitions for the House to extend its Lenity to them; whereupon they were, without any Opposition that we heard of, discharged in common Form. But the Parson was not such an humble kind of a Penitent as *particu-*
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Early to take the Guilt upon himself; but only, in general, set forth his *Sense and Sorrow for his Fault and Offence against the House, &c.* His Petition had like to have been rejected; yet it was at length carried by a great Majority. The Truth is, the Petition *seems* to have been very cautiously, if not artfully expressed, with as much Reserve and *Fastness*, as if it had been drawn up with a *Bangorian Sincerity*: Because, though these Words, *Great Fault and Offence, against this House, and asking Pardon, &c.* may be construed to acknowledge the Truth of the Fault for which *they* thought him guilty; yet I beg leave to say, that That seems to be but tacitly *implied*, rather than clearly *expressed*. For though the granting the Prayer of a Petition would seem to be according to the Sense wherein the Person *petitioned* to understands it; yet the offering or presenting a Petition in certain Terms, cannot be extended any *farther* than the Mind and *Words* of the Petitioner, who (in difficult Cases) must be supposed to mean the *narrow* and most *restricted* Sense of the Words: and I cannot but take particular Notice, that one Clause of the Petition is, that they would *take his Case into a favourable Consideration*. If Words that, at *first* View, seem to bear *one* Sense, may, upon a *stricter* Enquiry, be equally (at least) capable of *another*, they must be taken in the most *favourable* Sense they can bear; unless we be in a worse Case than the People of *Geneva* were (from which the late Agreement, by the *French* and another Mediation, has happily relieved them) who, before they could receive any Favour (after they had been committed) were to confess, right or wrong, that they were guilty of what was laid to their Charge. And therefore, these Words, *Fault and Offence committed against this House*, admit of an Explication, and *may* signify no more than writing Letters upon Pieces of Paper whereon the Hand of a Member had been counterfeited, or where the Writer was not *fully* certain that the Frank was written by the proper Hand of a real Member.

Writing Letters in such a Manner (which shews Imprudence and Credulity, rather than evil Design) was certainly a *Fault and Offence*: And so long as this *may* be, and certainly *is*, a Meaning of the Words, I don't see how they can fairly and easily be extended as the Sense of the Petitioner, to any other: For though nothing can be in the Conclusion; but what is in the Premises; yet, I am told, the Conclusion always follows the weaker or narrower Part of the Premises. I don't say this to arraign the Justice of the House, nor to refer them to Sir *Thomas More's Utopia*; where Priests are not punished, but enjoy full Benefit of Clergy; No, not at all: nor to vindicate the Parson either of *Forgery*, if he was guilty, or of *Imprudence and Indiscretion*, if he was not guilty. I say, the House did no manifest Injustice to him; though I hope I may be allowed to say, it was *Summum Jus*; (and I need not tell what that is.) Yet, had the House so pleased, it might have dismissed him, as it did that Person who said, he he got his *Frank* from a *Person unknown*. I say, the House did right; and yet for all that, it is not impossible, but very presumable, that the Parson was not *really*, and in *fact*, guilty of the Counterfeit. He denied that he had counterfeited the Hand, and there was no Witness to prove that he had done it. In many Cases, even where Witnesses have proved Things
upon

upon Oath, yet the Character of the Person has so overweighed with the Court, that they would not believe the Evidence. Had he done, as another did, *viz.* acquainted previously some Members with his Case, and so prepared them against the Time of his appearing before them, I make no doubt but he would have experienced their Equity and Clemency, rather than Justice, and been acquitted with Honour.

I have known him so many Years, and have had so many Occasions of being intimate with him, I may say, in all Respects, that I can scarce be persuaded he could be guilty of any Thing that is mean or vile; he being, without Flattery, and to say nothing but the Truth, a Gentleman of Worth and Learning, an useful and much-followed Preacher, and withal so fair, punctual, and honest in his Dealings, that I never heard any body complain of him on that Account. Indeed I have heard him very much blamed for his Zeal, and unwearied Pains in recovering an *Impropriation* to a certain Bishoprick, which had been lost for a considerable Time, and in all likelihood would never otherways have been recovered. This raised him many Enemies, and during the long Dependence of that Suit he was a great Sufferer. I don't question but he was well requited, and ('twas said) he was preferred for that very Thing; though I can't tell if the Vicarage got any Advantage thereby: However, this I know myself, that he never rack'd nor squeez'd his Parishioners, but ever compounded at a moderate and very easy Rate. He never sued nor harrassed them, but by his Good Nature and Indolence has often suffered himself to be imposed upon; and, being a great Reader, better acquainted with Books than Men, or the Way of the World, I'm afraid he trusted too much in the late Affair to his Innocency, and the Simplicity of his Intentions, not being conscious of any evil Design or Inclination: Which brings to my Mind a Text I heard him once preach upon, *The Children of this World are in their Generation wiser than the Children of Light.* The Harmlessness of the Dove is always best when joined with the Wisdom of the Serpent.

Being but an indifferent Scholar myself, I durst not presume to send this Letter to your Honour (though you desired me to write often, especially if any thing happened more than ordinary) till I had shewed the Purport of it to several honest Yeomen Farmers in the Neighbourhood. They all approved of my Design, and bad me assure you of their Votes and Interests at any ensuing Election; for as all of them are Freeholders in the County, so some of them are Freemen both in a City and Borough. They require no Fee or Reward for their Attendance, (being persuaded that you have the Honour and Interest of both King and Country at heart) only beg the Continuance of having the News sent them duly *franked*. Pray, Sir, let it be by your *own*, or some other Member's Hand, and don't depute or trust any other to do it; for we Country Folks can't tell what may be the Consequence, if it should be otherwise. One of them advised me to get the School-master of the next Parish to write it in a better Hand and Form; and, he pitying the Doctor's Case, said, *Miserum est etiam si quis absolutus fuerit causam dixisse*; which he said was in *English*, 'Tis a sad Thing for a Man to be obliged to vindicate himself, even though he should be acquitted

of

of the Thing laid to his Charge; which I take to be a different Way of expressing our old blunt Proverb, *One Man may better steal, than another look on.* For a Friend in Court is better than a Penny in Purse.

I know no body but who was much concerned when they first heard of this Affair (being afraid it had been worse than it was) and greatly pitied the Case, except some of the impropriated Parish. There is, you know, an ancient, grave, precise Clergyman in the Neighbourhood, of Orthodox Learning indeed, and regular Life, very strict and reserved in almost all his Actions; but so strict, that he scarcely grants sufficient Allowances for Infirmities, Misfortunes, or unforeseen contingent Accidents, to others. I rent some Grounds in his Parish, and went to pay him his Tythes, when I knew he would bring this Affair upon the Carpet. He was very severe upon his old Acquaintance, believing what he had read in the *Votes* was not only the *Truth*, but the *whole Truth*; and said (notwithstanding all former Intimacies and Obligations) he would never see him any more, so as to be favourably reconciled to him, nor allow him to preach at his Church, as he had often done formerly on particular Occasions. Though that grave Parson be very rich, and is possessed of a good Crown Living, which he would willingly change for a better, I took upon me to argue the Matter (though he seldom allows People to be free and familiar with him) and told him of two or three old Verses I remembered ever since I was a School-boy, which may either suit a Divine or a Soldier, — *Tantæne animis cœlestibus iræ? — Vince animos, irasque tuas, qui cœtera vincis.* But lest Heathen Authors should be of small Account, I ventured beyond my bounds, and talked, though I don't pretend to write, like a *Pastor*. I said, we are forbidden to *be righteous overmuch*. 'Tis a Character of a Child of God, that he takes not up an ill Report against his Neighbour, but rather should cover his Faults, and admonish him; and Charity thinketh no Evil, for *Sæpè diepiter, infesto addidit integrum.* *Paul* the Apostle, as well as *Saul* the King, were justly blameable for their passionate Zeal. I also told him how a certain great Man, afterwards a Bishop, had explained *St. Paul's* Case in a Sermon himself had lent me, *viz.* that he owned his Passion; and how the People of the Island unjustly entertained an ill Opinion of him of a sudden, only from *outward* Appearance, which they as suddenly altered. But the *Bereans* were reckoned *more noble*, because they *searched* if Things were so, or no.

I also shewed him what, at that Time, I had written in this Letter, and repeated my Reasons to him; which had this Effect, that though he is very tenacious, and cares not that he should at any Time alter, or be thought to have altered his Opinion: and, I must own, I had a strong Suspicion that this Fit of Zeal was rather *outward* than *real*, and proceeded chiefly from politick or prudential Considerations; for he seemed overjoyed that the Case was so little to be blamed, when searched into the Bottom; nor did he seem quite pleased with himself for his hasty unbrotherly Censure, and rash Resolution.

When I was concluding this Letter, a pert little Gentleman came in, and talk'd in a sanguine Manner on very nice and critical Points; *viz.* the Power of the H—se of C—ns: As, Why might not Men talk of the Power of that H—se, as well as of the Power of the K—g, seeing

seeing neither the one nor the other are unlimited? And as he made it a Question if that H—se be a Court, so he assured us it was no *Court of Record*; that is, whatsoever is done there can be no Precedent, nor of any Consequence in Courts of Judicature; — That the House, as an House, cannot administer an Oath; and he added a great deal about a Freeman's being harrassed or punished, either in Purse, Person, or otherways, without an Oath, or a Jury: — That no Man, nor Body of Men, can be *proper* Judges in their own cause: — That no Body is obliged to answer Questions he thinks are ensnaring; it being a Maxim in all Laws, that no Man is obliged to accuse himself: — And a Question that should not be *answered*, should not be *asked*: — That the utmost he knew they could do was to commit to Goal, which is the most disgraceful, but the cheapest Way; or to the Custody of a proper Officer, or to the T—r, which is the more honourable and respectful, but, at the same time, the most chargeable: — That one, thus under Displeasure, can be continued no longer in such Confinement, than till the End of the S—n, when he must of Course be set at Liberty, without any Fee, at least, at that Time: — There are but few Precedents, if any, of the H—se's taking further Notice of Persons so committed: — If they like their Condition, they may lie still till the P—t be pr—d or d—vd; or, if they don't love their Quarters, they may offer a Petition to them, in whose Breast it lies either to pass it, or reject it. He farther said, That the enquiring after *false Franks*, in order to punish and suppress such an unjustifiable Practice, was very commendable; but as it was a *new* Thing, of which he remembred no Precedent, he could not tell in what Manner it was best to proceed against it.

Though lawful Authority is not to be *resisted*, but must be *submitted* to; and we are, for Conscience Sake, to *render to Cæsar the Things that are Cæsar's*, and to *give Tribute to whom Tribute is due*: yet he knew no Person, Court, or House, that was absolutely infallible, so as to make *Truth, Falshood, or Falshood, Truth*; or to bind Men to full Belief and *active* Obedience; to *believe*, or *affirm*, what they know to be otherwise; or to do or think what is contrary to their Mind. A Man under Misfortune must submit. What Man is able to withstand *Leviathan*? A Case may be clear to one Man, and not clear to another. Let Courts determine as they will in a publick Way, Men will still retain their Right of private Judgment; and when a Case is not *evidently* clear, they will suspend their Judgment, or, at least, incline to the charitable Side: And therefore, I presume, 'tis a great Injustice when a Case is published, and any Thing *suppressed*, or not *expressed* which ought to have been *expressed*, that can give Light to the Matter: As I think the *Votes* should have done.

Great Bodies are liable to Mistakes, as well as little ones, and are not seldom led by Passion, Party, or otherwise. I have heard of divers *Resolves* that have proceeded from slight Grounds, and gone farther than 'twould seem proper. What great Disgrace can it be that a Parson is called a *Counterfeit*, when a Right Reverend Father in God has been *voted Unchristian*; whereby one who had for many Years been reckoned a *Golden Candlestick* (when it could no longer bear the Touchstone)

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stone) was reduced to be what his Enemies called him, *viz.* one of *Prince's Metal*. But what followed upon that Anti-episcopal Tory *Resolution* against a Low-church Protestant Prelate? Was he ever the less a Christian? Did his Brethren despise him? Or was it any Detriment to his Reputation? Pray, Sir, mistake me not; it seems this is a Digression; It compares no Cases; It makes no Application. Let your Honour judge.

These Things were *new* to me, nor know I what to say to what he added, 'That in olden Times, a certain great Body had not near so many Privileges as now; and as he did not remember that these were procured or established by Act of Parliament, so neither could he tell if they had been assumed by Degrees (as 'tis common for every body to advance themselves gradually) and only confirmed by Time and Custom. Sometimes I thought he talked like a High-flyer for arbitrary Power, sometimes like one that was for licentious Liberty, and sometimes like a Leveller, or a rank Republican. To be sure he was full of himself, and knew little in fact of the Manner how Matters are carried in Courts of Law or Equity.

But as I never intend to meddle in State Affairs, or Things too much above me, I shall not fix my Judgment, till I be fully informed by proper and sufficient Authority; yet I hope I may add, that had the Parson's Answer been printed in the *Votes*, as I truly think it ought to have been, Mankind had been left at more Liberty to have formed their *own* Judgment and Opinion about him, and that very likely in a more favourable Manner, than otherways they could.

I must beg of your Honour not only to pardon the Trouble of this long Letter, and excuse any Rudeness, or any involuntary Mistakes; but also that you would please to send an Answer, especially as to Matters of *Fact*, whether Things be really so or no. As to Matters of *Law* or *Right*, it will be a more proper Time to have your Opinion by word of mouth, when we shall have the Happiness of seeing you, as we usually do, in Autumn. I dare say you will be attended on by most of our Neighbours, Gentry and Clergy, Freeholders, Tradesmen and others, who are all of them proud of having an Opportunity of shewing how much they are in your Service and Interest; among whom none can have a greater Respect for your Honour than

Your humble and most obedient Servant,

FRANK YEOMAN.



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